

**REMARKS**

Claims 1, 2 and 9-17 are pending in this application. By this Amendment, claims 1 and 2 are amended, claims 3-8 are canceled, without prejudice to, or disclaimer of, the subject matter recited therein, and claims 9-17 are added. Support for the amendments to claims 1 and 2 and new claims 9-17 can be found at least in Figs. 9a-c, and the corresponding description in the specification. No new matter is added.

The courtesies extended to Applicants' representative by Examiner Crepeau at the interview held May 1, 2007, are appreciated. The reasons presented at the interview as warranting favorable action are incorporated into the remarks below and constitute Applicants' record of the interview.

**I. Claim 2 Satisfies All Formal Requirements**

The Office Action objects to claim 2. This objection is respectfully traversed.

The Office Action asserts that "at least one of forming the first reaction layer and forming the second reaction layer forming the first reaction layer of the second reaction layer" appears to be redundant. By this Amendment, claim 2 is amended to cancel this feature. Thus, claim 2 satisfies all formal requirements. Withdrawal of the objection is thus respectfully requested.

**II. The Claims Define Patentable Subject Matter**

The Office Action rejects claims 1-6 under 35 U.S.C. §102(b) over JP 2002-298860 ('298). The rejection of canceled claims 3-6 is moot and the rejection of claims 1 and 2 is respectfully traversed.

'298 does not teach or suggest the features of independent claims 1 and 2. As agreed during the personal interview, '298 does not teach or suggest a method of manufacturing a fuel cell that includes "the first part and the second part not overlapping each other," as recited in independent claim 1, and as similarly recited in independent claim 2. In other

words, '298 does not teach or suggest forming a first reaction layer by discharging a plurality of droplets to the first current collecting layer, a first droplet disposed on a first part of the first current collecting layer and a second droplet disposed on a second part of the first current collecting layer, which does not overlap the first part, as recited in the independent claims 1 and 2 (see for example, paragraph [0069] of the present specification).

'298 discloses a method of forming a film by spraying a liquid material to a substrate. As shown in Fig. 1, each the droplets sprayed on the substrate overlap each other. Thus, '298 does not disclose the first part and the second part not overlapping each other, as recited in independent claims 1 and 2.

Thus, for at least these reasons, independent claims 1 and 2 are patentable over '298. Withdrawal of the rejection is thus respectfully requested.

### **III. Provisional Double Patenting Rejection**

The Office Action provisionally rejects claims 1-6 on the ground of nonstatutory obviousness-type double patenting over the claims of copending Application Nos. 10/791,789 and 10/781,752. Applicants respectfully submit that they will address the provisional rejection upon the allowance of the claims of the instant application.

### **IV. Conclusion**

In view of the foregoing, it is respectfully submitted that this application is in condition for allowance. Favorable reconsideration and prompt allowance are earnestly solicited.

Should the Examiner believe that anything further would be desirable in order to place this application in even better condition for allowance, the Examiner is invited to contact the undersigned at the telephone number set forth below.

Respectfully submitted,



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